



# Land Development Code Workshop



# Overview



Land Development Code  
REVIEW DRAFT – NOVEMBER 19, 2020

- Review of LDC Chapters
- Next Steps
- Questions and Comments

**MODULE 2C IN BOLD**

CHAPTER 1:	<b>General Provisions</b>
CHAPTER 2:	<b>Administration</b>
CHAPTER 3:	Zoning Districts
CHAPTER 4:	Use Specific Standards
CHAPTER 5:	Site Development Standards
CHAPTER 6:	Signage
CHAPTER 7:	Natural Resources
CHAPTER 8:	Public Facility Funding and Coordination
CHAPTER 9:	Nonconformities
CHAPTER 10:	<b>Definitions and Rules of Construction, Interpretation, and Measurement</b>
APPENDICES:	None

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APPENDICES:	None

The LDC modules discussed in this presentation and previous workshops are available to the public at:  
<https://estero-fl.gov/land-development-code/>



CLARION

JOHNSON  
ENGINEERING

NANCY E.  
STROUD, PA

# Chapter 1: General Provisions

- Identifies Village's authority to adopt
- General purpose and intent of LDC aligned more closely to comprehensive plan policies
- Rules governing relationship to other laws – generally, stricter law applies
- References Building Code
- Establishes Official Zoning Map

<b>Chapter 1:</b>	<b>General Provisions</b>
<b>Section 1-1</b>	<b>Title</b>
<b>Section 1-2</b>	<b>Authority</b>
<b>Section 1-3</b>	<b>General Purposes and Intent</b>
<b>Section 1-4</b>	<b>Applicability</b>
<b>Section 1-5</b>	<b>Consistency with Comprehensive Plan</b>
<b>Section 1-6</b>	<b>Relationship with other Laws, Covenants, or Deeds</b>
<b>Section 1-7</b>	<b>Official Zoning Map</b>
<b>Section 1-8</b>	<b>Transitional Provisions</b>
<b>Section 1-9</b>	<b>Buildings and Building Regulations</b>
<b>Section 1-10</b>	<b>Severability</b>
<b>Section 1-11</b>	<b>Effective Date</b>

# Chapter 1: General Provisions

- New: Applications in Process
  - Applications accepted as “complete” before the effective date use current regulations (Policy issue)  
(Applicants may resubmit under the new LDC)
  - Developments approved under the current regulations are recognized as valid and can develop consistent with their approvals, unless expired or modified
- New Emergency Exemption authority
- New requirement for developer to provide notice before beginning construction
- Effective date of LDC will be established by Council at adoption



# Chapter 2: Administration

Consolidates all procedures in one chapter

- New graphics
- Flowcharts for each process
- Summary Table of Review Procedures

**Chapter 2: Administration**

**Section 2-1 Purpose**

**Section 2-2 Summary Table of Applications**

**Section 2-3 Decision Making and Advisory Bodies and Persons**

**Section 2-4 General Procedures**

**Section 2-5 Application-Specific Review Procedures and Decision Standards**

Figure 2-502.A.2: Development Order Procedure Flowchart



# Section 2-2: Summary Table of Applications

Identifies:

- Type of application
  - Comprehensive Plan
  - Rezoning
  - Development Orders
  - Other
- Roles of decision-making bodies for each application
- Shows when public information meetings and public hearings are required

TABLE 2-201: SUMMARY TABLE OF DEVELOPMENT APPLICATIONS A-Appeal D-Decision R-Recommendation S-Staff Review W-Public Information Meeting Required #-Mandatory Pre-application Conference < >-Public Hearing Required				
Review Procedure	Village Council	Planning Zoning and Design Board	Community Development Director	Public Information Meeting <sup>1</sup>
<b>Discretionary Approval</b>				
Comprehensive Plan Amendment	<D>	<R>	S	W
LDC Text Amendment	<D>	<R>	S	
Rezoning (Zoning Map Amendment) <sup>2</sup>	<D> <sup>3</sup>	<R>	S	W
Planned Development	<D>	<R>	S	W
Planned Development Minor Amendment	<A>	<D>	S	
Planned Development Administrative Amendment		<A>	D	
Special Exception	<A> / <D> <sup>4</sup>	<D>	S	W
Bar Special Permit	<D>			
<b>Site Development</b>				
Development Order				
Development Order <sup>5</sup>	<A>	<D> <sup>6</sup>	S	W

## Section 2-3: Decision-Making and Advisory Bodies and Persons

### New

- Delegates more administrative review to Director (smaller projects such as development orders and small zoning items)
- Consolidates PZB and DRB responsibilities into one Board (PZDB):
  - Seven members
  - Review of larger projects
- Clarifies appeal authorities of Council and PZDB

### Section 2-3 Decision-Making and Advisory Bodies and Persons

Section 2-301

Village Council

Section 2-302

Planning Zoning and Design Board

Section 2-303

Community Development Director

# Section 2-4: General Procedures

## Application Procedures

- Clarifies when preapplication conferences are required
- Updates review timeframes for statutory compliance
- 1 year for special exceptions with 1-year extension

## Section 2-4

## General Procedures

Section 2-401

Public Information Meeting

Section 2-402

Preapplication Conference

Section 2-403

Development Application Submission

Section 2-404

Staff Review and Action

Section 2-405

Scheduling of Public Hearing and Public Notice

Section 2-406

Deferral of Public Hearing

Section 2-407

Public Hearing Procedures

Section 2-408

Decision Making Body Review and Decision

Section 2-409

Post Decision Making Applications

# Section 2-4: General Procedures

- Revises public notice requirements
  - Sign posting (development orders and rezoning)
  - Expands notice to adjacent property owners
  - Newspaper ads per statute

TABLE 2-405.B: SUMMARY OF PUBLIC NOTIFICATION REQUIREMENTS			
Application Type	Notice Required		
	Published	Mailed	Posted
<b>Discretionary Approvals</b>			
<b>Comprehensive Plan Amendment</b>	Publish notice of PZDB public hearing in a newspaper of general circulation at least ten calendar days before the hearing.  Publish notice of first Village Council hearing in a newspaper of general circulation at least seven calendar days before first hearing.  Publish notice of second Village Council public hearing in a newspaper of general circulation at least five days before hearing.	For Plan map amendment, mail notice of public hearing at least 14 calendar days before PZDB hearing and Village Council first hearing.	For Plan map amendment, post notice of public hearing at least 14 calendar days before first hearing of PZDB.
<b>Land Development Code Text Amendment (General)</b>	Publish notice of public hearing in a newspaper of general circulation at least ten calendar days before hearings of Village Council.	None	None
<b>Village initiated Site-</b>		Mail notice of public	

## Section 2-5: Application-Specific Review Procedures and Decision Standards

### New

- Zoning and Master Concept Plan expiration: Development Order or plat must be approved within five years for 50% of development
- DO expires in 5 years if not constructed or substantial commencement (50% of approved development); 2 extensions of 2 years each allowed
- Revises special exception approval standards
- Final Plan Approval process created
- Bar Special Permit process created

### Section 2-5 Application-Specific Review Procedures and Decision Standards

Section 2-501	Discretionary Approvals
Section 2-502	Site Development
Section 2-503	Certificate of Concurrence
Section 2-504	Historic Preservation Certificate of Appropriateness
Section 2-505	Permits
Section 2-506	Relief
Section 2-507	Administrative Interpretation

# Chapter 10: Definitions and Rules for Construction, Interpretation, and Measurement

Provides technical rules for interpretation and measurement

Key revisions:

- Building height measurement
- Density for adult living facilities

**Chapter 10:** Definitions and Rules for Construction, Interpretation, and Measurement

**Section 10-1** General Rules for Construction

**Section 10-2** General Rules for Interpretation

**Section 10-3** Rules of Measurement

**Section 10-4** Definitions

Figure 10-301.C-1: Flat and Mansard Roof Building Height Measurement



# Summary of LDC Chapters Discussed at Workshops

→	CHAPTER 1:	General Provisions
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→	APPENDICES:	

## Village Council Workshop Dates

→  
**OCT 21**

→  
**NOV 18**

→  
**DEC 2**

(Additional PZB and DRB workshops Oct-Dec.)

eComments can be submitted via the following webpage link for public comments:

<https://estero-fl.gov/land-development-code/>

# Next Steps

- Feedback from Council and Boards
- Next meetings:

<b>Planning and Zoning Board</b>	<b>Dec. 1</b>	<b>Workshop</b>
<b>Council</b>	<b>Dec. 9</b>	<b>Public Hearing</b>
<b>Design Review Board</b>	<b>Dec. 9</b>	<b>Workshop</b>
<b>Planning and Zoning Board</b>	<b>Dec. 15</b>	<b>Public Hearing</b>
- Revised Public Hearing Draft for January public meeting

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# Questions and Discussion

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